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UNITED STATES I	DISTRICT COURT	
WESTERN DISTRIC	Γ OF WASHINGTON	
AT TACOMA		
WAYNE WALTON,		
Plaintiff,		
v.	Case No. C05-5545RJB	
THE STATE OF WASHINGTON et al.,	ORDER TO AMEND THE COMPLAINT	
Defendants.		
Defendants.		
This civil rights action has been referred to	the undersigned Magistrate Judge pursuant to	
Title 28 U.S.C. § 636(b)(1)(B). Plaintiff has been	given leave to proceed in forma pauperis. (Dkt. #	
3).		
The plaintiff in this action names Washington	on State, the Washington State Department of	
Corrections, and the Mc.Neil Island Corrections Center as defendants. (Dkt. # 5). In order to state		
a claim under 42 U.S.C. § 1983, a complaint must	allege that (l) the conduct complained of was	
committed by a person acting under color of state	law and that (2) the conduct deprived a person of	
a right, privilege, or immunity secured by the Cons		

Taylor, 451 U.S. 527, 535 (1981), overruled on other grounds, Daniels v. Williams, 474 U.S. 327

(1986). Section 1983 is the appropriate avenue to remedy an alleged wrong only if both of these

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U.S. 1020 (1986). None of the named defendants in this action are people. The Eleventh Amendment Constitution of the United States provides: The Judicial power of the United States shall not be construed to extend to any slaw or equity, commenced or prosecuted against one of the United States by Cit of another State, or by Citizens or Subjects of any Foreign State. U.S. Const. amend. XI. Under the Eleventh Amendment, a state is not subject to suit by citizens in federal court. Edelman v. Jordan, 415 U.S. 651, 662-63 (1974). Neither state officials acting in their official capacities are persons for purposes of 42 U.S.C. § 1983. Michigan Dept. of State Police, 491 U.S. 48, 71 (1989). This rule applies equally to state See Kaimowitz v. Board of Trustees of the Univ. of Ill., 951 F.2d 765, 767 (7th Cir. 1991). W. Rodriguez, 943 F.2d 104, 108 (1st Cir. 1991). Because the named defendants are not within the meaning of § 1983, plaintiff has not stated a cause of action. The document submitted by plaintiff does not state a claim against any person and accepted. Plaintiff is ORDERED to file an amended complaint. The amended complaint a complete substitute for the original and must be received on or before October 7th, 20 court will enter a Report and Recommendation that this action be dismissed. Plaintiff is that he must also send filled out Marshals Service Forms and a copy of the amended core each defendant he wishes the Marshals Service to attempt to serve by mail.		$oldsymbol{a}$
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